



AF/IRP

Dkt. 7156/52427-AB/JPW/GJG/JDF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Don Fishbein
Serial No. : 10/799,197 Examiner: A. Hughes
Filed : March 12, 2004 Group Art Unit: 1614
For : USE OF OXANDROLONE IN THE TREATMENT OF BURNS
AND OTHER WOUNDS

1185 Avenue of the Americas
New York, New York 10036
November 10, 2008

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NOTICE OF APPEAL FROM THE EXAMINER'S DECISION
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants hereby appeal to the Board from the decision of the Examiner mailed May 9, 2008 and finally rejecting pending claims 30-40 and 41-45 in connection with the above-identified application. Applicants have previously established small entity status. The required fee for a small entity for filing a Notice of Appeal under 37 C.F.R. §41.20(b)(1) is TWO HUNDRED AND SEVENTY DOLLARS (\$270.00) and a check including this amount is enclosed. A response to the May 9, 2008 Final Office Action was due on August 9, 2008. Applicants are petitioning for a three-month extension of time in the accompanying Response to May 9, 2008 Final Office Action Under 37 C.F.R. §1.116 and Petition for a Three-Month Extension of Time also being filed on November 10, 2008. A response to the May 9, 2008 Final Office Action is now due November 10, 2008. Accordingly, this Notice of Appeal is

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Filed : March 12, 2004
Page 2

being timely filed.

No fee, other than the enclosed \$270.00 fee for filing a Notice of Appeal, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop AF,
Commissioner for Patents,
P.O. Box 1450, Alexandria,
VA 22313-1450

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11/10/08
Date

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